

ASSEMBLY BILL

No. 1880

Introduced by Assembly Member Blakeslee

January 19, 2006

An act to amend Section 4536 of the Penal Code, relating to escapes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1880, as introduced, Blakeslee. State hospitals: escapes.

Existing law provides for the punishment of any mentally disordered sex offender committed to a state hospital or other mental health facility who escapes from that facility or who escapes while being transported to or from that facility.

This bill would include sexually violent predators in that punishment provision. Because the bill would expand the scope of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4536 of the Penal Code is amended to
2 read:

1 4536. (a) Every person committed to a state hospital or other
2 public or private mental health facility as a mentally disordered
3 sex offender *or sexually violent predator*, who escapes from or
4 who escapes while being conveyed to or from ~~such~~ *that* state
5 hospital or other public or private mental health facility, is
6 punishable by imprisonment in the state prison or in the county
7 jail not to exceed one year. The term imposed pursuant to this
8 section shall be served consecutively to any other sentence or
9 commitment.

10 (b) The medical director or person in charge of a state hospital
11 or other public or private mental health facility to which a person
12 has been committed as a mentally disordered sex offender *or*
13 *sexually violent predator* shall promptly notify the chief of police
14 of the city in which the hospital or facility is located, or the
15 sheriff of the county if the hospital or facility is located in an
16 unincorporated area, of the escape of the person, and shall
17 request the assistance of the chief of police or sheriff in
18 apprehending the person, and shall, within 48 hours of the escape
19 of the person, orally notify the court that made the commitment,
20 the prosecutor in the case, and the Department of Justice of the
21 escape.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the
27 penalty for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition of a
29 crime within the meaning of Section 6 of Article XIII B of the
30 California Constitution.